IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELALTE SIDE

WRIT PETITION NO.2226 OF 2006

Dr.Kiran Tukaram Barge. ...Petitioner.

Vs.

Abdul Rauf Abdul Kadar Shaikh & Anr..Respondents.

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Mr.K.B.Sonwalkar for the Petitioner.

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CORAM : DR.D.Y.CHANDRACHUD, J.

June 12, 2006.

P.C. :

The Additional District Judge, Satara, has in the course of his judgment, arrived at the finding that the term of the licence which was for eleven months had expired and that a decree for eviction was accordingly liable to be passed.

The agreement of licence was executed on 23rd August 1991 and the term of the licence was for eleven months. The defence of the Petitioner, which was also urged before this Court, was that

the agreement was signed under some form of compulsion. The Additional District Judge noted that in the course of the oral deposition, the execution of the agreement was not denied. The question as to whether there was a compulsion has been answered in the negative and it is impossible for this Court to hold that the finding of the First Appellate Court is perverse. The Petitioner can have no lawful claim or entitlement to continue in occupation after the expiry of the period of licence. Though the licence expired in the year 1992, the Petitioner has unlawfully continued to retain the possession of the premises till now, and nearly 14 years have elapsed during the pendency of the litigation. There is no error apparent on the face of the record and the exercise of the supervisory jurisdiction under Article 227 of the Constitution is not warranted.

The Petition is dismissed. However, the Petitioner shall have time to vacate the premises until 30th September 2006, subject to the filing of the usual undertaking within a period of two weeks from today.

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